

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**EVA MARISOL DUNCAN,**

**Plaintiff,**

**V.**

**JPMORGAN CHASE BANK, N.A.,**

**Defendant.**

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**CIVIL ACTION NO. 5:14-cv-00912-  
FB-JWP**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S RESPONSE TO *PRO-SE* FILINGS**  
**(Doc. 74, 76)**

**TO THE HONORABLE MAGISTRATE JUDGE JOHN W. PRIMOMO:**

Now comes Eva Marisol Duncan (hereinafter referred to as "Plaintiff"), on behalf of herself and others similarly situated, by and through her attorneys, and makes this response to the *pro-se* filing docketed as an Objection at Doc. 74 and the *pro-se* filing docketed as a Letter/Correspondence at Doc. 76 as follows:

1. Mr. Steve Harris sent a letter to the Court, docketed as an Objection at Doc. 74. Mr. Harris gave "formal notice of my intent and request to be included in the Class Action lawsuit...". He also indicated that he was "aware that an application to join this Class Action lawsuit was due by March 23, 2016, however this matter was brought to my attention on April 23, 2016." He proceeded to ask that he "be added to the Class Action lawsuit".

2. In fact, the Settlement Administrator confirms that Mr. Harris and his wife were both provided with the postcard notice sent in December, 2015 and each electronically filed valid claims online on January 5, 2016. Therefore, if and when settlement benefits are distributed, Mr. and Mrs. Harris will receive their *pro rata* share of the settlement fund.

3. Mr. Bingham has left a detailed voicemail at the phone number on Mr. Harris'

letter.

4. Mr. Ronald W. Hubener sent a letter to the Court, docketed as #76. Mr. Hubener appears to be requesting that the Court make an investigation of matter unrelated to the narrow scope of this case. He does not appear to be objecting to the adequacy or fairness of the proposed settlement, except that in his opinion, the scope of the case is not broad enough to encompass other alleged wrongs. His letter should be classified as a general comment, not an objection or opt-out request.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court overrule the “objection” filed at Doc. 74 and not classify the letter at Doc. 76 as either an objection or an opt-out request. Plaintiff requests general relief.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which automatically serves e-mail notification of such filing to the following counsel of record on this 4<sup>th</sup> day of May, 2016, and a true and correct copy of the above and forgoing has therefore been served by the Court's electronic noticing system on the following counsel of record for the Defendant at the e-mail addresses listed hereunder:

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In addition, the undersigned hereby certifies that the foregoing was served upon the objecting parties/amicus curiae named herein below via the methods indicated hereunder, on May 4, 2016:

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/s/ Benjamin R. Bingham

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